UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,508	07/22/2003	Sang Won Chung	CHUN3059/EM	5802

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CAO, PHUONG THAO

ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/623,508	CHUNG, SANG WON
	Examiner	Art Unit	
	Phuong-Thao Cao	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 May 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to Amendment filed on 5/15/2006.

2.   Claims 1 and 9 have been amended and claims 4 and 10-18 have been cancelled.

Currently, claims 1-3 and 5-9 are pending.

Response to Arguments

3.   Applicant's arguments filed on 05/15/2006 have been fully considered but they are not

persuasive.

Regarding Applicant's statement that "the Shah patent does not teach modification of

application programs by adding pointers to the application streaming file system", <u>Shah et al.</u>

teach the modification of the application programs (see [0084] wherein the streaming-enabled

form of an application is the modification of the application) and the inclusion of pointers to the

application streaming file system (see [0210] wherein the disclosure of operation system

directing all data requests to it to the client application streaming software (also know as

application streaming file system [0186]-[0187]) implies that the application must have some

kind of pointers to the file streaming functions so that the operating system can identify and

direct all its requests to the application streaming file system for processing; also see [0141]).

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-3 and 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Shah et

al. (Publication No US 2002/0091763).

       As to claim 1, Shah et al. teach:

"A method of controlling a user application program executed in a client computer" (see [0082]-

[0085]), comprising the step of:

       "if the user application program does not include a pointer to a file streaming readout

function, replacing an existing pointer to a readout function with a substitute pointer to the file

streaming readout function" (see [0141] wherein the disclosure of Client Streaming File System

instead of the operating system serves all file system requests made by application implies that

the application must include some pointer to functions of the streaming file system instead of

functions of the operating system; and in order for application to execute properly in the client,

the pointer to functions of file system of the operating system (for instance, a readout function)

must be replaced by pointer to functions of the streaming file system (for instance, a file

streaming readout function) as illustrated in Applicant's claim language), wherein the file

streaming readout function carries out the following steps:

"receiving a file readout request for a file from the user application program" (see [0202]

wherein a request for code or data is equivalent to Applicant's "a file readout request"; also see

[0141]);

"determining whether the file is stored in the client computer" (see [0196] and [0197]);

"if it is determined that the file has been stored in the client computer, forwarding data of

the file to the user application program" (see [0197]); and

"if it is determined that the file has not yet been stored in the client computer, receiving

some of the data of the file from a predetermined server with the file stored therein and storing

the some of the data in the client computer and forwarding the received data to the user

application program, the predetermined server being connected to the client computer through a

network" (see [0188], [0196], [0197] and [0202]).

As to claim 2, this claim is rejected based on arguments given above for rejected claim 1

and is similarly rejected including the following:

Shah et al. teach:

"wherein the step of receiving some of the data is performed by using data offsets of the

file and the size of some of the data to be received" (see [0188]).

As to claim 3, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Shah et al. teach:

"continuously executing the user application program in the state where only some of the data are received but all data of the file have not yet been received" (see [0186]).

As to claim 5, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Shah et al. teach:

"wherein the step of receiving the data of the file from the predetermined server with the file stored therein and caching the received data in the client computer" (see [0186] and [0202]).

As to claim 6, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Shah et al. teach:

"identifying a second client computer with the file stored therein" (see [0664], [0679], and [0694]-[0699] wherein "page" is equivalent to Applicant's "file"); and

"receiving the file from the identified second client computer and transferring the received filed to the user application program" (see [0679] and [0694]-[0699]).

As to claim 7, this claim is rejected based on arguments given above for rejected claim 1 and is similarly rejected including the following:

Shah et al. teach:

"while the file readout request is not received from the user application program,

receiving data expected to be required by the user application program from a second client

computer with the data stored therein and storing the received data" (see [0142], [0154], [0210]

and [0694] wherein the disclosure of prefetching and getting data using peer-caching mechanism

is equivalent to Applicant's claim language).

As to claim 8, this claim is rejected based on arguments given above for rejected claim 7

and is similarly rejected including the following:

Shah et al. teach:

"wherein determination on the data expected to be required by the user application

program is made based on data that have been request by the user application program upon

previous execution of the user application program" (see [0087] and [0210]).

As to claim 9, Shah et al. teach:

"A method of controlling a user application program executed in a client computer" (see [0084]

and [0085]), comprising the step of:

"if the user application program does not include a pointer to a file upload function,

replacing an existing pointer to a file-writing function with a substitute pointer to the file upload

function" (see [0141] wherein the disclosure of Client Streaming File System instead of the

operating system serves all file system requests made by application implies that the application

must include some pointer to functions of the streaming file system instead of functions of the

operating system; and in order for application to execute properly in the client, the pointer to

functions (for instance, file-writing function) of file system of the operating system must be

replaced by pointer to functions (for instance, file upload function) of the streaming file system

as illustrated in Applicant's claim language), wherein the file upload function carries out the

following steps:

"receiving a file-writing request for a file from the user application program" (see

[0187]);

"determining whether it is necessary to upload the file to a predetermined server that is

connected to the client computer through a network" (see [0782] and [0083] wherein request to

write is equivalent to Applicant's "file-writing request" and the disclosure of examining the

request and deciding whether to deny it or grant it is equivalent to determining whether it is

necessary to upload the file to a predetermined server as illustrated in Applicant's claim

language; also see [0221]);

"if it is determined that it is necessary to upload the file to the server, uploading the file to

the server" (see [0782]); and

"if it is determined that it is not necessary to upload the file to the server, writing the file

in the client computer" (see [0218] and [0219] wherein configuration or initialization files is

written on the client through a local copy-on-write file system).

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735.

The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PTC

June 23, 2006

Primary Examiner
Art Unit 2167